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| APPLICATION NO.                | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--------------------------------|-------------|----------------------|---------------------|------------------|
| 10/520,013                     | 08/05/2005  | Stephen Temple       | 27754/24867         | 9262             |
| 4743                           | 7590        | 04/01/2009           | EXAMINER            |                  |
| MARSHALL, GERSTEIN & BORUN LLP |             |                      | NGUYEN, LAM S       |                  |
| 233 SOUTH WACKER DRIVE         |             |                      |                     |                  |
| 6300 SEARS TOWER               |             |                      | ART UNIT            | PAPER NUMBER     |
| CHICAGO, IL 60606-6357         |             |                      | 2853                |                  |
|                                |             |                      |                     |                  |
|                                |             |                      | MAIL DATE           | DELIVERY MODE    |
|                                |             |                      | 04/01/2009          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/520,013             | TEMPLE, STEPHEN     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | LAM S. NGUYEN          | 2853                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 January 2009.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 25-37 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 25-37 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/21/2008 has been entered.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 25-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Ilbery et al. (US 2002/0051144).

### ***Regarding to claims 25-27, 31, 33:***

Ilbery et al. discloses a printer comprising an input port adapted to receive an array of print data pixels; a print arrangement for forming overlapping super pixels on a print medium (*paragraphs [0008], [0012], [0013] and FIGs. 9-10 and 12*) and a print processor adapted to process print data from said array of print data pixels such that it is distributed over the super pixels according to a distribution function such that the print level of each super pixel is calculated based on a print data contribution from at least two print data pixels and each print data pixel contributes print data to the calculation of print levels for at least two/three super

pixels, wherein the print data contribution varies in sign between said print data pixels (*paragraphs [0010], [0014], [0020], [0048], [0090] and FIGs. 17-18*);

forming print pixels on the medium such that each print pixel receives print contribution from at least two super pixels; wherein each print pixel corresponds to the area of overlap of said at least two super pixels (*FIGs. 9-10 and 12*).

**Regarding to claims 36-37, 32:** further comprising a store adapted to hold a measured print efficiency for each super pixel and wherein said distribution function includes the measured print efficiency, wherein the super pixels are formed by ink jet printing (*paragraphs [0008]-[0009], [0012]-[0013]*).

**Regarding to claims 28-30:** wherein the at least two super pixels from which a print pixel receives print contribution, receive print data contributions from different combinations of print data pixels, further comprising the step of measuring the print efficiency of each super pixel, further comprising distributing the measured print efficiency as print data (*FIGs. 4-8 and paragraph [0065]*).

#### ***Response to Arguments***

Applicant's arguments with respect to claims 25-37 have been considered but are moot in view of the new ground(s) of rejection.

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S. NGUYEN whose telephone number is (571)272-2151. The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, STEPHEN D. MEIER can be reached on (571)272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LAM S NGUYEN/  
Examiner, Art Unit 2853